

WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SONDRA KRAUSE,

Plaintiff,

v.

GEORGIA-PACIFIC CORPORATION, a for
profit Georgia corporation, and Eric King, Jane
Doe King, and the marital community comprised
thereof,

Defendants.

No. C05-5809-JKA

ORDER ON DEFENDANTS' MOTION
TO COMPEL DISCOVERY

This matter comes before the court on defendants' motion to compel. The plaintiff has filed no response. The court has considered defendants' motion as well as the files and records herein.

NOW, THEREFORE, THE COURT HEREBY FINDS AS FOLLOWS:

1. Plaintiff has failed to produce her Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1), which were due on March 22, 2006.

2. Plaintiff has failed to produce her responses and documents pursuant to Defendants' First Request for Production of Documents and Defendants' First Set of Interrogatories, which were due on July 13, 2006.

3. The following facts establish that plaintiff's counsel's failed to respond on a timely basis to requests to confer and/or willfully failed to confer, making sanctions under CR 37(a)(2)(A) and GR 3 appropriate:

a. On June 5, 2006, defendants' counsel wrote a letter to plaintiff's counsel, requesting plaintiff's Initial Disclosures be produced by Friday, June 10, 2006. While plaintiff's counsel said he would produce them on June 12th, he did not, nor did he follow up with any correspondence.

b. Defendants again wrote plaintiff on June 16, 2006 regarding plaintiff's outstanding discovery, but plaintiff's counsel did not respond by producing discovery or by any other communication.

c. Defendants' counsel left a voice mail messages for plaintiff's counsel on June 29, 2006, attempting to confer on outstanding discovery, but plaintiff's counsel did not return the call.

d. On July 27, 2006, defendants left a voice mail requesting a call back to discuss plaintiff's outstanding discovery and this motion to compel. Plaintiff responded and represented to defendants that he would produce the discovery the following week in order to avoid the motion to compel, but he failed to produce any discovery.

e. On August 4, 2006, defendants wrote a letter to plaintiff's counsel, stating that this motion would be filed on August 9th if defense counsel had not received plaintiff's discovery by that date. Plaintiff did not respond to defendants' letter.

5. Pursuant to Fed. R. Civ. P. 37(a)(4)(A) and this Court's December 27, 2005 Minute Order Re Initial Disclosures, Joint Status Report and Early Settlement, plaintiff and/or plaintiff's counsel shall pay defendants' attorney fees and costs in the amount of \$1,295.40. This sum is based on the court's review of the defendants' time records submitted in support of the motion. The court honors the time allotted to the extent of 7.4 hours at \$171.00 per hour.

THEREFORE, THE COURT HEREBY ORDERS:

1. Defendants' Motion to Compel Discovery is GRANTED;
2. Plaintiff must produce all discovery by September 15, 2006;
3. Plaintiff and/or plaintiff's counsel is ordered to pay to defendants the reasonable attorney's fees and costs associated with bringing this motion in the amount of \$1,295.40.

IT IS SO ORDERED this 25th day of August 2006.

/So J. Kelley Arnold
The Honorable J. Kelley Arnold
U. S. Magistrate Judge